

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOYLE, ET AL.,

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DOC #: _____
DATE FILED: 7-14-10

Plaintiffs,

10 Civ. 5073 (JGK)

- against -

MEMORANDUM OPINION
AND ORDERSTARWOOD HOTELS AND RESORTS
WORLDWIDE, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

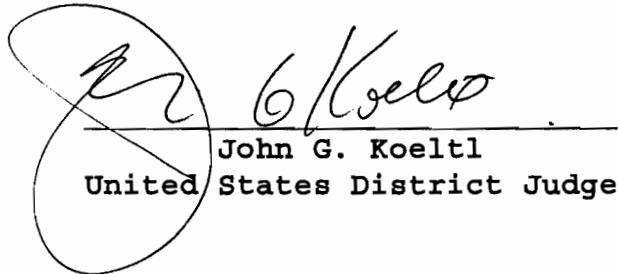
The complaint in this case invokes subject matter jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a). The plaintiffs represent that they are both citizens of the United Kingdom. Defendant Starwood Hotels & Resorts Worldwide, Inc., appears to be a citizen of Maryland and New York and defendant Westin Hotels & Resorts, Inc., appears to be a citizen of Delaware and New York. The plaintiffs represent that the third defendant, the Westin Dubai, is a citizen of the United Arab Emirates.

It is well settled that "the presence of aliens on two sides of a case destroys diversity jurisdiction." Corporacion Venezolana de Fomento v. Vintero Sales Corp., 629 F.2d 786, 790 (2d Cir. 1980). In this case, the presence of the plaintiffs, who are citizens of the United Kingdom, and defendant Westin Dubai, which is a citizen of the United Arab Emirates, appears to destroy complete diversity of citizenship jurisdiction.

Therefore, the plaintiffs are directed to show cause by July 23, 2010, why this case should not be dismissed without prejudice for lack of subject matter jurisdiction.

SO ORDERED.

Dated: New York, New York
July 13, 2010


John G. Koeltl
United States District Judge